

**CITY OF CLEWISTON**  
**Regular Commission Meeting**  
**July 16, 2012**

The City of Clewiston City Commission held its regular Commission meeting in the City Hall Commission Chambers Monday, July 16, 2012. The meeting was called to order at 6:00 p.m. by Mayor Richard Miller. Pastor John Hicks gave the invocation and the audience recited the Pledge of Allegiance.

**Attendance:**

**Commissioners Present:** Mayor Richard Miller, Commissioner Mali Gardner, Commissioner Joseph Miller, Commissioner James Pittman and Commissioner Julio Rodriguez.

**Personnel Present:** Finance Director Ted Byrd, Police Chief Don Gutshall, Utilities Director Kevin McCarthy, City Clerk Marilyn McCorvey, Golf Course Director Adolfo Pena, City Engineer Tommy Perry, Recreation Director Lance Ramer, Community Development Director Travis Reese, Public Works Director Sean Scheffler, Library Director Eric Tommerdahl, and City Attorney Charles Schoech

**Visitors Present:** Trish Adams, Jeff Barwick, Jerry Cochrane, Terry Gardner, John Hicks, Donald Hughes, Reva Marshall, Amy McKown, Paula Pittman, and Curtiss Pullen.

**ADDITIONS/DELETIONS/CHANGES AND APPROVAL OF THE AGENDA** – City Manager McKown asked that the SCFE Railroad Agreement be added as Agenda Item # 11A, La Fiesta request for suspension for two months of requirement for police officers at their establishment be added as Agenda Item # 11B and that Agenda Item 7, Electric Utilities Worker's Proclamation be moved to Consent Agenda as 1F.

**PUBLIC COMMENTS**

Jerry Cochrane came forward to speak regarding the City's pension plan. He stated that he looked through the Actuarial Report and it is disappointing what has happened to the plan. Mr. Cochrane stated the current pension plan must be closed. He stated that the City should go out for proposals before entering into a new plan. Mr. Cochrane also suggested that the City should pay off the unfunded liability of the current plan in a time span of ten years in order to save the City money.

Jeff Barwick came forward to speak about awarding contracts. Mr. Barwick stated that the City has an ordinance that anything purchased over \$25,000 requires a bid and he feels it is in the best interest of the taxpayers that we get competitive bids. Mr. Barwick stated that he has met with the City Manager about paving and that the City did no paving for five years, but during those five years the City collected over \$1 million in gasoline taxes. He stated that it is State law that the City must spend that money on streets and the City needs to get back on schedule with the paving as the condition of the streets says a lot about a City. Mr. Barwick stated that the City collects more for mosquito control than it spends. He wanted to know where the money went as State law requires that money collected for mosquito control be spent for that purpose.

Ernie Redish came forward and stated that the City's pension plan scares him to death. He stated that pension plans are very complicated and suggested that we do not understand it. Mr. Redish suggested that some smart people from the community should look at the pension plan for the City. He stated that the pension plan represents a lot of money and it is his belief that the employees should contribute to their retirement plan.

Matt Hudson, our State legislator, came forward and stated he will be coming to some of our meetings as the new reorganization of districts puts Clewiston in his district. He feels coming to our meetings is the best way to get to know the community.

**1. Consent Agenda**

- A. *City Commission Workshop Minutes – June 14, 2012*
- B. *City Commission Budget Workshop Minutes – June 14, 2012*
- C. *City Commission Regular Meeting Minutes – June 18, 2012*
- D. *"Downtown" Area Workshop Minutes – June 18, 2012*
- E. *Declaration of Surplus property – Police Department*

*F. Utilities Workers Proclamation*

**Commissioner Pittman made a motion, seconded by Commissioner Gardner to approve the Consent Agenda. Vote 4 yeas, 1 nay. (Commissioner Rodriguez voted nay)**

**Resolutions**

- 2. Resolution No. 2012-05** – This resolution relates to special assessments for the overlay of paved driveway aprons and the construction and installation of new paved driveway aprons relating to the 2012 paving project. City Manager McKown read Resolution No. 2012-05 by title.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve Resolution No. 2012-05. Vote 5 yeas, 0 nays.**

- 3. Resolution No. 2012-06** – This resolution adopts certain amendments to the budget for fiscal year 2011-2012. City Manager McKown read Resolution No. 2012-06 by title.

**Commissioner Pittman made a motion, seconded by Commissioner Joseph Miller, to approve Resolution No. 2012-06. Vote 5 yeas, 0 nays.**

**MISCELLANEOUS ACTION AND DISCUSSION ITEMS**

- 4. Integrated Municipal Financial & Utility Billing Software & Implementation Services Bid Award.** Utilities Director McCarthy stated the Commission tabled this issue last month pending answers to some additional questions. Mr. McCarthy stated he has answered the questions the Commission posed and has also given them additional information regarding the actual bids. He stated the recommendation is still to award the bid to Tyler Technologies. Mayor Miller stated that this award is not based only on price and the specs must meet the needs of the City. Mr. McCarthy stated that the City's review group did an evaluation on all of the bidders to see which company would best suit our needs. Tyler Technologies is in fact the lowest responsive bidder. The Commission posed some other questions to Mr. McCarthy which he answered. Commissioner Rodriguez stated that he has concerns about bidding projects. He believes that there is a philosophy among some commissioners that they should approve what staff recommends. He feels it is his responsibility to vote on what he feels is necessary and right and he is not going to routinely approve any more expenditures. He is not convinced that we need this software and he will not support the purchase.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the contract with Tyler Technologies with the changes that have been addressed and authorize the City Manager to sign. Vote 4 yeas, 1 nay. (Commissioner Rodriguez voted nay)**

- 5. Backhoe Bid Award** –The City advertised for bids in the Clewiston News for a backhoe tractor on June 14, 2012 but has realized there is a mistake in the specs. City Manager McKown asked that the Commission reject all bids so the bid can be rewritten with the required specs.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to reject all backhoe tractor bids and rewrite the bid with the specs required by the City. Vote 5 yeas, 0 nays.**

- 6. Paving Bid Award** – The City advertised for the 2012 Paving Project in the Clewiston News on June 21, 2012. City Engineer Tommy Perry recommended that the City award the bid to the low bidder, Diaz Asphalt.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to award the 2012 paving bid to the low bidder, Diaz Asphalt, in an amount not to exceed \$189,935.63. Vote 5 yeas, 0 nays.**

- 7. Electric Utilities Worker's Month Proclamation – Moved to Consent Agenda**

8. **Recommendation for Renaming North Francisco.** – The Commission and staff have discussed renaming North Francisco for some time to identify the direction to the Lake. City Manager McKown recommended that we discuss the idea with the Chamber of Commerce and get their opinion of what kind of contest might get the best response for renaming the street. City Attorney Schoech stated that renaming a street will not cause the City to take ownership of it.

**Consensus of the City Commission was to ask the Chamber of Commerce for assistance with a contest to rename N. Francisco.**

9. **Discussion on Employee Retirement Plan** – The Benefits Committee made a recommendation to the Commission that they “hard freeze” the current Defined Benefit Pension Plan and implement a Defined Contribution Retirement Plan. City Manager McKown stated that we have received plan administration fees from Securian and they appear to be much lower than Principal. Mr. McKown stated he does not look forward to informing our employees that we are going to have to change our pension plan, but we have studied this problem for the last two years. Mayor Miller stated that this is a nationwide problem with defined benefit plans because they guarantee future earnings. Commissioner Rodriguez stated he had received calls from citizens regarding our plan. Commissioner Rodriguez stated he hopes we can come up with a solution and get more people involved in the bidding process. Mr. McKown stated that the City’s pension plan multiplier is a modest 1.8%. Jerry Cochrane interjected that the City’s pension plan is not a Cadillac plan. Commissioner Gardner stated she felt that the City should have some professionals come in regarding the many options for pension plans and have Florida League of Cities come in and do a review and also talk to Principal. Commissioner Joseph Miller stated that the Benefits Committee recommended the “hard freeze” of the current plan and the committee was under the impression that we needed to move from Principal. He stated we pay huge fees to Principal and get zero in return.

**Consensus of the Commission was to call the Florida League of Cities and Principal and ask them to come out and discuss pensions.**

10. **Approval to Submit Proposed Millage Rate, Date, Time and Location for Tentative budget hearing to Property Appraiser.** The City is required to submit this information to the Property Appraiser no later than August 4, 2012.

**Commissioner Gardner made a motion, seconded by Commissioner Joseph Miller, to submit to the Property Appraiser the millage rate the same as last year, 6.2210 and set the Tentative Budget Hearing for September 13, 2012 at 5:20 p.m. Vote 5 yeas, 0 nays.**

11. **Intersection/Road Sign Review** – The Police Department and City Engineer have reviewed the stop signs within the City and have made recommendations they feel will make a positive impact on traffic flow within the City. City Engineer Tommy Perry gave the Commission a handout of various other methods of slowing traffic. City Manager McKown stated that if any changes are made, there will be a warning period for the public. Commissioner Gardner suggested that we should do everything that we can afford to do to slow traffic down, including lowering the speed limit to 25 mph. Mr. Perry stated the cheapest way to slow traffic is to install stop signs. However, we are trying to encourage people to use the side streets to reduce the traffic on US 27. Commissioner Pittman stated we should be specific on what we are going to do and put up the configuration change signs in advance.

**Commissioner Pittman made a motion, seconded by Commissioner Rodriguez, to remove the stop signs at San Gabriel and Ventura and Lopez and Aztec, and do further study on the signs at Olympia and Aztec. Vote 5 yeas, 0 nays.**

- 11A. **SCFE Railroad Crossing Agreement** – City Attorney Schoech explained that the agreement provides the City will pay 50% of the costs of the maintenance on the signalization at the crossing. He stated the City is not obligated to pay this, however at a previous meeting the Commission had approved the agreement with a “not to exceed” amount of \$2,000. Mr. Schoech stated he has reviewed the matter and there is a fee schedule in the agreement that is good for 5 years. He stated that the City’s share is approximately \$1700 per year and at the end of the five years, the rate will be adjusted by the CPI. Mr. Schoech stated in essence there is a cap on the agreement and it is controlled by the Department of Transportation.

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to reconsider the terms of the SCFE Railroad Crossing Agreement. Vote 5 yeas, 0 nays.**

**Commissioner Gardner made a motion, seconded by Commissioner Pittman, to approve the SCFE Railroad Crossing Agreement as presented by DOT. Vote 5 yeas, 0 nays.**

**11B.La Fiesta Request for Suspension for Two Months of Requirement for Police Officer Presence at their Establishment** – Police Chief Gutshall spoke on behalf of La Fiesta. He stated in view of their dire economic problems, and the fact the complaints have dramatically dropped at La Fiesta, he does not have a problem with the Commission allowing this exception.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, to suspend the requirement of having a police officer on site at La Fiesta for two months; but authority is given to the Police Chief to revoke this authorization if he feels necessary. Vote 5 yeas, 0 nays.**

**REPORTS FROM CITY MANAGER** – City Manager McKown asked Police Chief Gutshall to inform the Commission about the awards before them. Chief Gutshall stated the small Eagle trophy represents DUI enforcement and Clewiston ranked second in the State in that category. He stated the large Eagle trophy is for overall traffic safety and the Clewiston Police Department was number 1 in the State this year which will reap a \$35,000 award.

Finance Director Byrd told the Commission that the City received an award at the PRM conference for 3 years of loss reduction in our Worker's Comp claims. City Manager McKown stated this is an area we worked hard in to reduce the claims.

**REPORTS FROM THE CITY ATTORNEY** – City Attorney Schoech informed the Commission that he received a letter from the Department of Justice stating they have elected not to interpose any objection to the Charter Referendum. He does not anticipate a problem.

**REPORTS FROM THE CITY COMMISSION** – Commissioner Gardner asked that we postpone the Budget Workshop to another date. The Commission decided to have the workshop on Thursday, July 19 at 5:00 p.m. Commissioner Gardner asked Utilities Director McCarthy if FMPA has done their stress testing and what the impact is. Mr. McCarthy stated he will get more info for the Commission. Commissioner Pittman stated that he appreciates the comments made tonight, but some people want more money spent and some want less money spent. Commissioner Pittman stated the next thing we will have to cut is services which means job loss. He recommended that the City implement a hiring freeze as a general policy. Commissioner Gardner stated that she does not want us to terminate staff, but if we can cut staff, we should.

**Commissioner Pittman made a motion, seconded by Commissioner Gardner, that the City implement a hiring freeze immediately. Vote 5 yeas, 0 nays.**

**Adjournment:**

The meeting was adjourned at 8:05 p.m.

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Richard Miller, Mayor

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Marilyn McCorvey, City Clerk